

STATE OF CALIFORNIA  
FISH AND GAME COMMISSION  
FINAL STATEMENT OF REASONS FOR REGULATORY ACTION

## Amend Section 708

Title 14, California Code of Regulations

Re: Big Game License Tag, Application, Distribution, and Reporting Procedures.

- I. Date of Initial Statement of Reasons: August 14, 2002
- II. Date of Pre-adoption Statement of Reasons: November 5, 2002
- III. Date of Final Statement of Reasons: January 14, 2003
- IV. Dates and Locations of Scheduled Hearings:
  - (a) Notice Hearing: Date: August 30, 2002  
Location: Oakland, California
  - (b) Discussion Hearing Date: October 25, 2002  
Location: Crescent City, California
  - (c) Discussion Hearing: Date: December 6, 2002  
Location: Monterey, California
  - (d) Adoption Hearing: Date: December 20, 2002  
Location: Sacramento, California
- V. Update:

No modifications were made to the originally proposed language of the Initial Statement of Reasons.
- VI. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting those considerations:

Responses to public comments received were included in the Pre-adoption Statement of Reasons (see attached).

A total of four (4) additional public comments were received prior to the close of the comment period. Responses to these comments are also included with the comments/responses attached.

VII. Location and Index of Rulemaking File:

A rulemaking file with attached file index is maintained at:  
California Fish and Game Commission  
1416 Ninth Street  
Sacramento, California 95814

VIII. Location of Department files:

Department of Fish and Game  
1812 Ninth Street  
Sacramento, California 95814

IX. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulatory Action:

A Big Game Drawing based on Bonus Points was considered as an alternative. Under the Bonus Point System, applicants gain a “bonus point” for each year they are unsuccessful in the drawing. Applicants receive a computer-generated random number for each bonus point; successful applicants are selected based on hunt choice and lowest random numbers. The Bonus Point System is not recommended because it does not provide predictability of success and can not ensure that those applicants who have waited the longest will receive a tag for the hunt of their choice.

A Big Game Drawing based entirely on Preference Points (True Preference Point System) was considered as an alternative. Under the True Preference Point System, applicants gain a “preference point” for each year they are unsuccessful in the drawing. Each application receives a computer-generated random number, and successful applicants are selected based on hunt choice, most accumulated preference points, and if necessary, lowest random numbers. The True Preference Point System is not recommended because for many hunts, it does not provide an opportunity for first-time hunters and applicants re-entering the Big Game Drawing to be selected. In many instances, the True Preference Point System is inappropriate because it discriminates against all but those applicants with maximum preference points.

Another alternative involves using the Modified Preference Point drawing system with different (i.e., other than specified herein) proportions

allocated to the Preference Point and Draw-By-Choice Drawings. This alternative is discussed in detail below (see items 6-8), and may be selected pending input from public meetings.

Using different drawing systems for different big game species also was considered as an alternative (e.g., Draw-By-Choice for Bighorn Sheep Hunts and Modified Preference Points for Premium Deer Hunts). This alternative also is viable and may be selected based on public input.

Alternatives to provisions of the Modified Preference Point drawing system are as follows:

1. Loss of preference points by successful applicants.

An alternative of deducting the minimum-required points (defined as the minimum number of points needed to receive a tag through the Preference Point Drawing for a given hunt; this number may vary between hunts and/or years) from a successful applicant's total was considered. This alternative is cumbersome and complicated. When implemented for party applications, this alternative can result in negative or fractional preference points for individuals. This alternative is not recommended because it is more complicated and confusing than the proposed provision.

2. Party applications.

Using the minimum or maximum preference points of individual members within a party was considered as an alternative. This alternative is not recommended because using the minimum points would be unfair to other members within the party with more points, and using maximum points would be unfair to other parties with fewer maximum points.

Statistical rounding of point averages also was considered as an alternative. This alternative is not recommended because it results in a less precise estimation of average party points.

An alternative was considered to split party applications for premium deer hunts when the number of party members exceeded the number of available tags. This alternative is not recommended because it is arbitrary and may be contrary to the desires of applicants who apply as a party because they desire to hunt together.

Another alternative was considered to exceed tag quotas of premium deer hunts when the number of party members exceeded the number of available tags. This alternative is not recommended because it is contrary to objectives of the individual deer herd management plans.

3. Point only applications.

Not allowing point only applications was considered as an alternative. This alternative is not recommended because it penalizes applicants who may be unable to hunt in a given year due to circumstances beyond their control (e.g., military service, illness), but want to maintain their eligibility for future Big Game Drawings. Many other states allow point only applications, and no reasonable alternative to the provision exists.

4. Department records of preference points.

No reasonable alternative to the proposed provision exists.

5. Inactive applicants.

The alternative of permanently maintaining all applicants as active was considered. This alternative is not recommended because maintaining records of all applicants will eventually become expensive, cumbersome and logistically difficult. Another alternative of eliminating the points of inactive applicants after three years also was considered. This alternative is viable and may be selected based on public input.

6. Premium deer hunt quotas.

Alternatives exist to award more (or less) than 90 percent of each hunt quota using a Preference Point Drawing, and less (or more) than 10 percent of each quota using a Draw-by-Choice Drawing. These alternatives are viable and may be selected based on public input.

The Department has recommended a Modified Preference Point drawing system for implementation. The proposed splits (i.e., proportions allocated to Modified Preference Point and Draw-By-Choice Drawings) are in recognition that a significant portion of deer hunters surveyed in 2001-2002 preferred a True Preference Point drawing system.

7. Junior deer hunt quotas.

Alternatives exist to award more (or less) than 50 percent of each junior hunt quota using a Preference Point Drawing, and less (or more) than 50 percent of each quota using a Draw-by-Choice Drawing. These alternatives are viable and may be selected based on public input.

8. Bighorn sheep, elk and pronghorn antelope hunt quotas.

For hunt, zone or period quotas of four or less, there are other alternatives of allocating tags to the Preference Point and Draw-By-Choice Drawings. These alternatives may be selected based on public input. Similarly, for hunt quotas greater than four, portions allocated to the Preference Point Drawing may be greater (or less) than the recommended level of 75 percent. As a consequence, portions allocated to the Draw-by-Choice Drawing would be less (or greater) than the recommended level of 25 percent. Additionally, other rounding criteria may be adopted for fractional tags in the Preference Point or Draw-By-Choice Drawing. These are viable alternatives which may be selected based on public input. If the proposed provisions are altered significantly, statewide totals allocated using a Preference Point Drawing will be altered, as will the statewide total tags allocated using a Draw-By-Choice Drawing.

9. Editorial Changes.

No reasonable alternatives exist to the proposed editorial changes. Although minor, the proposed editorial changes provide clarity and consistency to the regulations.

(b) No change Alternative:

Under the no change alternative, the Big Game Drawing would continue as a Draw-By-Choice Drawing, and would select applicants based on their hunt choice and lowest, computer-generated random numbers. This alternative is not recommended because it is not responsive to input from stakeholder meetings, as well as formal and informal surveys, whose respondents favor a drawing system that provides an incentive for unsuccessful applicants to continue to participate in the drawing by improving their chances of being selected in the future.

- (c) Consideration of Alternatives: In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

X. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States: The agency is not aware of any cost impacts that a representative business would necessarily incur in reasonable compliance with the proposed action. The proposed action does not adjust or set tag quotas, it merely defines how these quotas will be allocated to the public.
- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business: The agency is not aware of any cost impacts that a representative private person would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: The proposed changes would require modification of existing drawing programs in the Department's Hunter Information System. It is estimated that these changes will cost between \$50,000 and \$100,000. In addition to these one-time costs, the Department's License and Revenue Branch will incur ongoing personnel costs for maintenance of customer information related to point tracking (i.e., resolving duplicate customer records and researching application records to resolve customer disputes). Ongoing personnel costs are estimated at \$20,000-\$40,000 annually (0.5 - 1.0 PY at Program Tech II level).

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

## Updated Informative Digest (Policy Statement Overview)

Existing regulations specify conditions under which unsuccessful applicants may accrue points for use in future drawings. The proposed change implements a Modified Preference Point drawing system that awards a specified minimum portion of the tag quota for each hunt in the Big Game Drawing to those eligible applicants with maximum accrued points (Preference Point Drawing), and the remaining portion to applicants based on hunt choice and lowest, computer-generated random numbers, without consideration of accumulated points (Draw-By-Choice Drawing). Provisions of the Modified Preference Point drawing system are as follows:

Successful applicants who receive tags for their first choice premium deer, bighorn sheep, elk or pronghorn antelope hunts will lose all preference points for that species.

For party applications, the Department shall use the average preference point value of all party members (total preference points for the party divided by number of party members) as the basis for consideration in the drawing for that species. Point averages will not be rounded. Party applications for premium deer hunts will not be split to meet the tag quota if the number of party members exceeds the number of tags available. Such premium deer hunt party applications shall be bypassed until the quota is reached.

Persons who do not wish to apply for premium deer, bighorn sheep, elk or pronghorn antelope tags may earn one preference point for any or all of these species by submitting the appropriate application(s) and writing the point code number for that species, as defined by the Department, in the hunt choice box (first choice only for deer). Persons applying for a preference point in this manner are subject to the same application requirements as regular drawing applicants.

The Department shall maintain records of preference points earned by individual applicants based on the hunter identification number provided on each application (driver's license number, Department of Motor Vehicles identification number, or hunter identification number assigned by the Department). Applicants shall notify the Department's License and Revenue Branch, at 3211 S Street, Sacramento, CA 95816, in writing, of any changes or corrections regarding name, mailing address or hunter identification number.

Persons not applying for premium deer, bighorn sheep, elk or pronghorn antelope hunts through the Department's Big Game Drawings for five consecutive years shall lose all preference points for that species. Persons



whose applications are disqualified shall be considered the same as persons not applying. Applying for preference points as described above, will keep an applicant's file active.

For premium deer hunts with quotas of ten or less, one tag will be awarded using a Draw-By-Choice Drawing, whereas the remaining tags will be awarded using a Preference Point Drawing. For premium deer hunts with quotas greater than ten, 90 percent of the quota will be awarded using a Preference Point Drawing. Any fractional tags in the Preference Points portion will be rounded to the next higher whole number. Remaining tags will be awarded using a Draw-By-Choice Drawing.

For each junior deer hunt, 50 percent of the quota will be awarded using a Preference Point Drawing. Any fractional tags in the Preference Points portion will be rounded to the next higher whole number. Remaining tags for each junior deer hunt will be awarded using a Draw-By-Choice Drawing.

For bighorn sheep, elk and pronghorn antelope hunt quotas of four or less, one tag will be awarded using a Draw-By-Choice Drawing and the remaining tags will be awarded using a Preference Point Drawing. For quotas greater than four, 75 percent of the quota will be awarded using a Preference Point Drawing. Any fractional tags in the Preference Points portion will be rounded to the next higher whole number. Remaining tags will be awarded using a Draw-By-Choice Drawing. For bighorn sheep hunts, it is expected that from 50-65 percent of the cumulative quota will be awarded using Preference Point Drawings. From 35-50 percent of the cumulative quota will be awarded using Draw-By-Choice Drawings. For elk and pronghorn antelope hunts, it is anticipated that approximately 75 percent of the cumulative quotas will be awarded using Preference Point Drawings. Approximately 25 percent of the cumulative quotas will be awarded using Draw-By-Choice Drawings.

The proposal includes editorial changes for consistency and clarity. Specifically, the existing regulations are modified to refer readers to the regulatory changes.

**A presentation to the Fish and Game Commission was provided by Department personnel at the December 6, 2002 meeting in Monterey, California. Due to the lack of a quorum, no action was taken at this time. The proposal was approved during the Commission's meeting on December 20, 2002.**

Section 708, Title 14, CCR is amended to read:

**§ 708. Big Game License Tag, Application, Distribution and Reporting Procedures.**

**(a) Deer License Tag Procedures and Requirements**

**(1) Deer License Tags.**

No person shall hunt deer without a valid deer license tag in possession for that particular area as defined in sections 360 and 361. Deer shall be tagged only with a valid deer license tag for the area (as defined in sections 360 and 361) in which the deer is killed. Except as otherwise provided in the Fish and Game Code, no person shall take more than two deer during any license year.

**(2) Deer License Tag Application and Distribution Procedures.**

**(A) Distribution of License Tags:**

1. ~~Deer tags~~Premium deer hunt tags for X zones, additional hunts, and area-specific archery hunts shall be distributed by drawing, as described in subsection 708 (g)(1) and (2), unless otherwise authorized. Applicants shall submit their deer tag application to the Department of Fish and Game, License and Revenue Branch, 3211 S Street, Sacramento, California 95816 (or by mail to Post Office Box 949035, West Sacramento, California 95798-9035). Applications must be received by the department by 5:00 p.m. on the first business day after June 1. Successful applicants will be selected by drawing within 10 calendar days following the application deadline date. If the drawing is delayed due to circumstances beyond the department's control, the department shall conduct the drawing at the earliest date possible. Successful and unsuccessful applicants will be notified by mail.

2. Except as noted in subsection 708 (a)(2)(E) below, deer tags for A, B, C, and D zones and leftover drawing tags shall be issued upon request until each tag quota fills. If, on any given day, the number of applications received for any zone or hunt exceeds the number of available tags, the department may conduct a drawing for that zone or hunt.

(B) Application Forms: Except for permits and deer tags issued pursuant to sections 4181.5, 4188, and 4334 of the Fish and Game Code, application forms for deer tags (2002/2003 CALIFORNIA RESIDENT ONE-DEER TAG APPLICATION, LRB 1371A, rev. 4/2002; 2002/2003 CALIFORNIA NONRESIDENT ONE-DEER TAG APPLICATION, LRB 1371B, rev. 4/2002; 2002/2003 CALIFORNIA RESIDENT SECOND-DEER TAG APPLICATION, LRB 1371C, rev. 4/2002; 2002/2003 CALIFORNIA NONRESIDENT SECOND-DEER TAG APPLICATION, LRB 1371D, rev. 4/2002, incorporated by reference herein) shall be made available to the public at license agents and regular offices of the department.

**(C) Application Procedures:**

1. Applicants must be at least 12 years of age and possess a California resident or nonresident hunting license valid for the deer hunting season for which they are applying, except applicants for additional junior deer hunts, who must possess a California junior hunting license.

2. No more than six persons may apply together as a party. To be considered as a party, all applications must be stapled together with the party leader's application on top and mailed in one envelope. All party members' applications must show the same tag choices in the same order of preference, the total number of persons in the party, and the party leader's name and identification number. All party members shall be awarded tags according to the choices listed on the party leader's application. Party applications for premium deer hunts shall not be split to meet the tag quota if the number of party members exceeds the number of available tags. Party applications which exceed the number of available tags shall be bypassed until the quota is reached. Incorrect or incomplete party applications will be separated and awarded tags on an individual basis.

3. Incomplete, incorrect, or ineligible applications will be rejected.

(D) Application Fee: The department shall require that the specified fee for a deer tag be paid as a prerequisite to obtaining a deer tag application. In addition to the tag fee, the department shall also charge a nonrefundable \$2.00 processing fee for each deer tag application.

(E) Application Restrictions:

1. One-Deer Tag Application:

a. A person may use a one-deer tag application to apply for any premium deer hunt tag (X zone, additional hunt, or area-specific archery hunt-tag) issued by drawing as specified in subsection 708 (a)(2)(A)1., above.

b. A person may use a one-deer tag application to apply for an A, B, C, or D zone tag or archery-only tag issued upon request.

c. A person may use a one-deer tag application to apply for any premium deer hunt tag (X zone, additional hunt, or area-specific archery hunt-tag) remaining on the first business day after July 1. Applications must be submitted to the department's License and Revenue Branch in Sacramento, except applications for area-specific archery hunt A-22, which may be submitted in person to the department's Los Alamitos or San Diego offices.

2. Second-Deer Tag Application:

a. A person may use a second-deer tag application to apply for an A or B zone tag or archery-only tag issued upon request.

b. A person may use a second-deer tag application to apply for any area-specific archery tag remaining on the first business day following July 1. Applications must be submitted to the License and Revenue Branch in Sacramento, except applications for area-specific archery hunt A-22, which may be submitted in person to the department's Los Alamitos or San Diego offices.

c. A person may use a second-deer tag application to apply for any C or D zone tag or additional hunt tag, except an additional junior hunt tag, remaining on the first business day following August 1. Applications may be submitted before that date to the License and Revenue Branch in Sacramento.

d. A person in possession of a valid junior hunting license, who has not used a one-deer tag application to apply for an additional junior hunt, may use a second-deer tag application to apply for an additional junior hunt tag issued by drawing as specified in

subsection 708 (a)(2)(A)1., ~~and 708(g)(2)(A)above~~. A junior hunter may not submit more than one application for additional junior hunts.

e. No person shall submit more than one one-deer tag application and one second-deer tag application to the department during any one license year. Any person in violation of this subsection may be denied deer tags for the current and following license year.

(F) Deer Tag Exchange Fee: The department shall charge a nonrefundable \$6.25 processing fee for exchanging a deer tag for a different zone or hunt.

(3) Tagging Requirements:

Immediately upon killing a deer, both portions of the deer license tag must be completely filled out and the date of kill permanently marked on the deer license tag. The deer license tag must be attached to the antlers of an antlered deer or to the ear of any other deer and kept attached during the open season and for 15 days thereafter. Except as otherwise provided, possession of any untagged deer shall be a violation (refer to Fish and Game Code, Section 4336).

(4) Tag Validation and Countersigning Requirements, and Transporting for the Purpose of:

Any person legally killing a deer in this state shall have the deer license tag validated and countersigned by a person authorized by the commission as described below in subsection 708 (a)(8) before transporting such deer, except for the purpose of taking the deer to the nearest person authorized to countersign the license tag, on the route being followed from the point where the deer was taken (refer to Fish and Game Code, Section 4341).

(5) Deer Head Retention Requirements and Production Upon Demand:

Any person taking any deer in this state shall retain in their possession during the open season thereon and for 15 days thereafter, that portion of the head which in adult males normally bears the antlers, and shall produce the designated portion of the head upon the demand of any officer authorized to enforce the provisions of this regulation (refer to Fish and Game Code, Section 4302).

(6) Deer Tag Reporting Requirements:

Every person to whom a deer tag is issued shall return the completed report card portion to the department within thirty days of taking a deer.

(7) Deer Violations, Tag Forfeiture:

Any person who is convicted of a violation involving deer shall forfeit their current year deer license tags and no new deer license tags may be issued to that person during the then current hunting license year, and that person may not apply for a deer tag for the following license year (refer to Fish and Game Code, Section 4340).

(8) Deer and Elk Tags, Persons Authorized to Validate.

The following persons are authorized to validate or countersign deer and elk tags:

(A) State:

1. Fish and Game Commissioners
2. Employees of the Department of Fish and Game
3. Deputy Foresters
4. Assistant Deputy Foresters
5. Forest Rangers

6. Park Rangers--Grades 1, 2, 3, and 4
7. Supervising Plant Quarantine Inspectors
8. Junior, Intermediate and Senior Plant Quarantine Inspectors
9. Foresters
10. Fire Prevention Officers--Grades 1, 2, 3, and 4
11. Fire Captains
12. Fire Apparatus Engineers
- (B) Federal: (FS = U.S. Forest Service, FWS = U.S. Fish & Wildlife Service, BLM = Bureau of Land Management)
  1. Range Technicians (BLM)
  2. Forest Supervisors (FS)
  3. Assistant Forest Supervisors (FS)
  4. District Forest Rangers (FS)
  5. Foresters (FS, BLM)
  6. Range Conservationists (FS, BLM)
  7. Forest Engineers (FS, BLM)
  8. Forestry Aides (FS)
  9. Fire Control Officers or Aides (FS, BLM)
  10. Clerks (FS, FWS, BLM) while on duty at their headquarters
  11. Game Management Agents (FWS)
  12. Wildlife Management Biologists (FS, FWS, BLM)
  13. District Managers (BLM)
  14. Information Specialists (BLM)
  15. Area Managers (BLM)
  16. Realty Specialists (BLM)
  17. Natural Resource Specialists (BLM)
  18. Engineers (BLM)
  19. Engineering Technicians (BLM)
  20. Recreation Resource Specialists (BLM)
  21. Geologists (BLM)
  22. Recreation Aides (BLM)
23. All Uniformed Personnel of the National Park Service
24. Commanding officers of any United States military installation or their designated personnel for deer taken on their reservation.
25. Postmasters
26. Post Office Station or Branch Manager for deer brought to their post office.
- (C) Miscellaneous:
  1. County firemen at and above the class of foreman for deer brought into their station.
  2. Judges or Justices of all state and United States courts.
  3. Notaries Public
  4. Peace Officers
  5. Nonsalaried police officers or deputy sheriffs while on scheduled duty in a city or county of appointment for deer brought to a police station or sheriff's office
  6. Officers authorized to administer oaths

7. Owners, corporate officers, managers or operators of lockers or cold storage plants for deer brought to their place of business.

(D) No person may validate or countersign their own tag.

(b) Distribution of Bighorn Sheep License Tags:

(1) Fund-raising Nelson bighorn ram license tags: Two fund-raising license tags for the taking of mature Nelson bighorn rams shall be sold for the purpose of raising funds to manage bighorn sheep. The department may designate a nonprofit organization to sell this fund-raising tag. Any resident or nonresident is eligible to buy the tag. The purchaser of a fund-raising license tag shall complete a required hunter orientation program conducted by the department and meet the hunter education requirements for a hunting license. The fund-raising license tags are defined as follows:

(A) Open-zone fund-raising license tags: These fund-raising license tags are valid in any of the areas described in subsection 362(a).

(2) General Nelson bighorn ram license tags: The application form (2002 NELSON BIGHORN SHEEP DRAWING APPLICATION, LBR 1362, Rev. 4/2002, incorporated by reference herein) shall be made available to the public at license agents and regular offices of the department. Applicants must be California residents or nonresidents, at least 16 years of age, possessing a California hunting license valid during the bighorn ram season for which they are applying, and must not have been previously issued a bighorn license tag in California. Applicants must apply for only one designated zone. No person shall submit more than one application. Applicants shall submit the application with a nonrefundable processing fee of \$6.75 to the Department of Fish and Game, License and Revenue Branch, 3211 S Street, Sacramento, CA 95816. (Or by mail to PO Box 989041, West Sacramento, CA 95798-9041). Applications must be received before 5:00 p.m. on the first business day after June 1. Incomplete applications and applications submitted without the appropriate processing fee will not be included in the drawing. Successful applicants and a list of alternates for each zone shall be determined by drawing within 10 calendar days following the application deadline date. If the drawing is delayed due to circumstances beyond the department's control, the department shall conduct the drawing at the earliest date possible. No more than one nonresident shall be selected to receive a general license tag. Unsuccessful applicants will not be notified. Successful applicants will be mailed notification as soon as practical. Upon receipt of the notification, the applicant shall submit the appropriate tag fee, either \$270.25 for a resident or \$500.00 for a nonresident, to the Department of Fish and Game, License and Revenue Branch, 3211 S Street, Sacramento, CA 95816. The tag fee shall be received by the department by 5:00 p.m. on the Monday following the second Saturday in July. Should the quota for each zone remain unfilled after that date, the alternate lists shall be used. Successful applicants shall be issued tags only after successfully completing the required hunter orientation program conducted by the department.

(3) Tagholder Responsibilities:

(A) Only persons possessing valid Nelson bighorn sheep license tags are entitled to hunt bighorn sheep. Tags shall not be transferable and are valid only in the zone or zones specified.

(B) Individuals awarded a fund-raising license tag and all successful applicants for general license tags shall attend and successfully complete a mandatory hunter orientation program. Licensed guides employed by successful applicants and the fund-raising license tag buyer shall accompany their clients to this orientation program.

(C) All successful bighorn sheep tagholders shall have their tags validated. All tags must be returned to the department within 10 days after the close of the season, even though the tagholder may not have killed a Nelson bighorn ram.

(D) Tags must be completed and attached to the carcass of a bighorn ram immediately after the animal is killed. All successful bighorn sheep tagholders shall have their tags validated.

(E) All tagholders will be notified by mail as to whether they will be required to report to the department before hunting and upon completion of hunting. The notification shall contain procedures for reporting, including appropriate methods of contacting the department.

(F) The tagholder shall surrender his tag to an employee of the department for any or all of the following reasons:

~~(4)~~1. Any act on the part of the tagholder which violates any of the provisions of the Fish and Game Code, or any regulations of the commission.

~~(2)~~2. Any act on the part of the tagholder which endangers the person or property of others. The decision of the department in such respects shall be final and binding upon the tagholder.

(c) Distribution of Pronghorn Antelope License Tags:

(1) The pronghorn antelope license tags shall be issued by drawing, as described in subsection 708 (g)(5)(A) and (B). Application forms (2002 RESIDENT ANTELOPE DRAWING APPLICATION, LRB 1363, Rev. 4/2002, incorporated by reference herein) shall be made available to the public at license agents and regular department offices. Each applicant must be a California resident, at least 12 years of age, and possess a California hunting license valid during the pronghorn antelope season for which they are applying. Applicants for buck pronghorn antelope license tags must not have been issued a buck pronghorn antelope license tag during the previous ten years. Applicants may apply for doe and junior hunt license tags every year. Applicants for the junior pronghorn antelope hunts must be California residents possessing a junior hunting license valid during the pronghorn antelope season for which they are applying. No person shall submit more than one application for a pronghorn antelope license tag. No more than two persons shall apply together as a party. To be considered as a party, both persons must apply on the same application for the same tag choice. Incomplete applications and applications submitted without the appropriate processing fee will not be included in the drawing.

(2) Applicants shall submit the application with a nonrefundable processing fee of \$6.75 for Single and \$13.50 for Party to the Department of Fish and Game, License and Revenue Branch, 3211 S Street, Sacramento, CA 95816 (Or by mail to PO Box 989041, West Sacramento, CA 95798-9041). Applications must be received before 5:00 p.m. on the first business day after June 1. Successful applicants and a list of alternates for each hunt shall be determined by drawing within 10 calendar days following the

application deadline date. If the drawing is delayed due to circumstances beyond the department's control, the department shall conduct the drawing at the earliest date possible. Except as provided in subsection 708 (g)(5)(A)5., party applications ~~In the event a party application is drawn for the last tag available for a hunt, the party will be split and the party leader (first person listed) as indicated on the application form shall be awarded the pronghorn antelope license tag. The party member shall become the first alternate for that hunt. Unsuccessful applicants will not be notified. Successful applicants and alternates will be mailed notification as soon as practical. Upon receipt of the notification the applicant or alternate shall submit an \$95.75 tag fee to the Department of Fish and Game, License and Revenue Branch, 3211 S Street, Sacramento, CA 95816 (Or by mail to PO Box 989041, West Sacramento, CA 95798-9041).~~ The tag fee shall be received by the department by 5:00 p.m. on the Monday following the second Saturday in July. Should the quota for each zone remain unfilled after that date, the alternate list shall be used. In the event only one pronghorn antelope license tag is available to an alternate, party applications will be split and the alternate tag shall be awarded to the party leader as indicated on the application form. Undistributed tags will be issued after the drawing. Any tags unclaimed by successful applicants after that date shall be awarded to paid alternates for that zone, on an individual basis, in the order drawn. Any remaining tags may be issued to paid alternates for other zones.

(3) Fund-raising License Tags: Fund-raising license tags for the taking of buck pronghorn antelope shall be offered for sale to raise funds for the management of pronghorn antelope. Any resident or nonresident is eligible to buy one of the fund-raising license tags. Bidders for and purchasers of fund-raising tags are exempt from the 10-year waiting period to purchase a buck pronghorn antelope fund-raising tag. The sale price of a fund-raising license tag includes the fee for processing and issuing a hunting license. The purchaser shall be issued the fund-raising license tag only after meeting the hunter education requirements for a hunting license.

(4) Tagholder Responsibilities:

(A) Only persons possessing valid pronghorn antelope license tags are entitled to hunt pronghorn antelope during these hunts. Tags shall not be transferable and are valid only in the area, season, and period specified on the tag.

(B) All tagholders must return the report card portion of their license tag to the department within one week after the close of the pronghorn antelope season, even though the tagholder may not have killed a pronghorn antelope.

(C) The holder of a pronghorn antelope license tag, immediately after killing a pronghorn antelope, shall fill out both parts of the tag and mark permanently the date of kill. The tag portion shall be immediately attached to a horn of buck pronghorn antelope or to an ear of doe pronghorn antelope and kept attached for 15 days after the close of the open season.

(D) The tagholder shall surrender his license tag to an employee of the Department of Fish and Game for any of the following reasons:

~~(4)~~1. Any act on the part of the tagholder which violates any of the provisions of the Fish and Game Code, or any regulations of this commission.



~~(2)~~2. Any act on the part of the tagholder which endangers the person or property of others. The decision of the Department of Fish and Game in such respects shall be final and binding upon the tagholder.

(d) Distribution of Elk License Tags:

(1) Three fund-raising license tags for the taking of elk bulls shall be offered for sale to raise funds for the management of elk. The department may designate a nonprofit organization or organizations to sell the fund-raising tags. Any resident or nonresident is eligible to buy one of the license tags. The purchase of fund-raising tags shall complete required hunter orientation programs conducted by the department and meet the hunter safety requirements for a hunting license.

(2) Application forms for elk tags (2002 RESIDENT ELK DRAWING APPLICATION, LRB 1364, Rev. 4/2002, incorporated by reference herein) shall be made available to the public at license agents and regular department offices. Each applicant must be a California resident at least 12 years of age and possess a California hunting license valid during the elk season for which he/she is applying. No person shall submit more than one application for an elk license tag. No more than two persons shall apply together as a party. To be considered as a party, both persons must apply on the same application for the same tag choice. Incomplete applications and applications submitted without the appropriate processing fee will not be included in the drawing.

(3) The elk hunting license tags shall be issued by drawing, as described in subsection 708 (g)(4)(A) and (B). Applicants shall submit the application with a nonrefundable \$6.75 for Single and \$13.50 for Party processing fee to the Department of Fish and Game, License and Revenue Branch, 3211 S Street, Sacramento, CA 95816 (Or by mail to PO Box 989041, West Sacramento, CA 95798-9041). Applications must be received before 5:00 p.m. on the first business day after June 1. Except as provided in subsection 708 (g)(4)(A)5., party applications ~~In the event a party is drawn for the last tag available for a hunt, the party will be split and the party leader (first person listed) as indicated on the application form shall be awarded the elk tag. The party member shall become the first alternate for that hunt. Successful applicants and a list of alternates for each hunt will be determined by drawing within 10 calendar days following the application deadline date. If the drawing is delayed due to circumstances beyond the department's control, the department shall conduct the drawing at the earliest date possible. Unsuccessful applicants will not be notified. Successful applicants and alternates will be mailed notification as soon as practical. Upon receipt of the notification, the applicant or alternate shall send a \$286.75 tag fee to the Department of Fish and Game, License and Revenue Branch, 3211 S Street, Sacramento, CA 95816. The tag fee shall be received by the department by 5:00 p.m. on the Monday following the second Saturday in July. Any tags unclaimed by successful applicants after that date shall be awarded to paid alternates for that hunt, on an individual basis, in the order drawn. Any remaining tags may be issued to paid alternates for other zones.~~

(4) Tagholder Responsibilities:

(A) All tagholders must return their license tags to the Department of Fish and Game within one week after the close of the elk season, even though the tagholder may not have killed an elk.

(B) License tags must be attached to the antler of an antlered elk, or to the ear of antlerless elk immediately after killing.

(C) Persons authorized to validate or countersign elk tags are listed in Section 708

(a)(8). Elk tags must be countersigned before transporting such elk, except for the purpose of taking it to the nearest person authorized to countersign the license tag on the route being followed from the point where the elk is taken.

(D) Only persons possessing valid elk license tags are entitled to take elk. Tags are not transferrable and are valid only for the area and period specified.

(E) The tagholder shall surrender his tag to an employee of the Department of Fish and Game for any or all of the following reasons:

~~(4)~~1. Any act on the part of the tagholder which violates any of the provisions of the Fish and Game Code, or any regulations of the Commission made pursuant thereto.

~~(2)~~2. Any act on the part of the tagholder which endangers the person or property of others. The decision of the Department of Fish and Game shall be final.

(F) Elk may be taken on Santa Rosa Island pursuant to a permit issued by the department. For methods of take, see sections 353 and 354.

(e) Bear License Tags.

(1) Application for Bear License Tags:

(A) With the exception of permits and tags issued pursuant to section 4181 of the Fish and Game Code, all bear license tag applications shall be submitted on forms provided by the department.

(B) The department may require that the specified fee provided for in section 4751 of the Fish and Game Code for such bear license tags be paid as a prerequisite to obtaining a bear license tag application.

(C) The department shall charge a nonrefundable \$2.00 processing fee for each bear tag application.

(D) Only one bear license tag application may be submitted to the department during any one license year. Any person who submits more than one bear license tag application may be denied bear license tags for the current license year.

(2) Distribution of bear tags: Applications for bear tags (2002/2003 CALIFORNIA RESIDENT BEAR TAG APPLICATION, LRB 1365A, rev. 4/2002; and 2002/2003 NONRESIDENT BEAR TAG APPLICATION, LRB 1365B, rev. 4/2002, incorporated by reference herein) shall be available to the public at license agents and regular offices of the department. Tags will be issued at regular department offices.

(3) Use of Guides: Any holder of a bear license tag who utilizes the services of a guide or guides shall verify that the guide is in possession of a valid guide's license and shall place the guide's license number on the bear license tag in the space provided.

(4) Use of Dogs: Any holder of a bear license tag who utilizes dogs to take bear shall so indicate on his bear license tag in the space provided.

(5) Validation of Bear Tags: Only Department of Fish and Game employees may validate bear tags (This provision supersedes section 4755 of the Fish and Game Code). Bear tags must be countersigned before transporting such bear except for the purpose of taking it to the nearest person authorized to countersign the license tag, on the route being followed from the point where the bear is taken.

(6) Return of Bear License Tags:

(A) Every person who takes a bear shall immediately return the report card portion of the bear license tag, after having the tag countersigned as required in (e) above. The tag may be presented to a department office/officer or returned through the United States Mail.

(B) Every person who is unsuccessful in taking bear shall return the report card portion of the bear license tags by February 1 of the current license year. The tag may be presented to a department office/officer or returned through the United States Mail.

(f) Application For and Use of Wild Pig License Tags:

(1) Any person, 12 years of age or older, who possesses a valid hunting license may procure wild pig license tags as specified in Section 4654 of the Fish and Game Code.

(2) Wild pig license tags will be sold to residents in packets of five. Nonresident wild pig license tags will be sold individually.

(3) Wild pig license tags are valid only during that portion of the current hunting license year in which wild pigs may be legally harvested as provided in subsection 368(a).

(4) Any person hunting wild pigs shall carry a wild pig license tag while hunting wild pigs, and upon the killing of any wild pig shall immediately fill out both parts of the tag, clearly mark the date of the kill and attach the tag to the carcass of the wild pig. The report card portion shall be immediately returned to the department.

~~(g) Accrual of Points for Big Game Drawings:~~

~~1. Any person applying for premium deer tags (X zones, Area-specific archery hunts, and additional hunts) who is unsuccessful in the big game drawing with their first choice shall receive a point.~~

~~2. Junior hunters applying for premium deer tags (X zones, Area-specific archery hunts, and additional hunts) may only accrue points based on their first deer tag application.~~

~~3. Any applicants for elk, pronghorn antelope or bighorn sheep hunts who are not awarded tags through the drawing will receive a point for that species.~~

Big Game Drawing System

(1) General Conditions

(A) Except as otherwise provided, the department shall award license tags for premium deer (X zones, additional hunts, and Area-specific archery hunts), bighorn sheep, elk and pronghorn antelope hunts, as described in sections 360(b) and (c), 361, 362, 364 and 363, using a Modified-Preference Point drawing system.

(B) Except as otherwise provided, the Modified-Preference Point drawing system shall award proportions of hunt tag quotas, as specified for each species, using the following drawing methods:

1. Preference Point Drawings. Tags are awarded based on the following order of priority: an applicant's hunt choice (first choice only for deer), accumulated point totals by species (highest to lowest), and computer-generated random number (lowest to highest).

2. Draw-By-Choice Drawings. Tags are awarded according to an applicant's hunt choice and computer-generated random number (lowest to highest), without consideration of accumulated points.

(C) Except as otherwise provided, applicants unsuccessful in receiving a tag for

premium deer (based on first choice selection), bighorn sheep, elk or pronghorn antelope hunts shall earn one (1) preference point for use in future Big Game Drawings. (D) To earn and accumulate a point for any species, a person must comply with all application requirements for that species as specified in subsections 708(a), (b), (c) and (d), including the following conditions:

1. Applicants must be at least 12 years of age at the time of application (16 years of age for bighorn sheep applications).

2. Applicants must possess a California hunting license valid for the hunting season requested (applicants for junior deer hunts must possess a junior hunting license). Applicants must provide evidence of such license at the time of application.

3. Applicants for elk and pronghorn antelope hunts must be California residents.

4. Applications for bighorn sheep, pronghorn antelope and elk hunts must include the appropriate nonrefundable processing fees.

5. Applications must be received by the department's License and Revenue Branch by 5:00 p.m. on the first business day after June 1.

6. Except for junior deer hunt applicants, applicants shall not submit more than one drawing application for each species during the same license year.

(E) No applicant shall earn more than one (1) preference point per species, per drawing, for use in future drawings. Preference points are accumulated by species and shall not be transferred to another species or another person. Preference points are not zone or hunt specific.

(F) Except as otherwise provided, successful applicants receiving tags for their first choice premium deer, bighorn sheep, elk or pronghorn antelope hunts shall lose all preference points for that species.

(G) For party applications, the department shall use the average preference point value of all party members (total preference points for the party divided by number of party members) as the basis for consideration in the drawing for that species. Point averages shall not be rounded.

(H) Except as otherwise provided, persons who do not wish to apply for an antelope, elk, bighorn sheep or premium deer tags may earn one (1) preference point for any or all of these species, by submitting the appropriate application(s), as specified in subsections 708 (a), (b), (c) and (d), and writing the point code number for that species, as defined by the department, in the hunt choice box (first choice only for deer).

Persons applying for a preference point in this manner shall be subject to the same application requirements as regular drawing applicants as specified in subsection 708(g)(1)(D).

(I) The department shall maintain records of preference points earned by individual applicants based on the hunter identification number provided on each application (driver's license number, Department of Motor Vehicles identification number, or hunter identification number assigned by the department). Applicants shall notify the department's License and Revenue Branch, at 3211 S Street, Sacramento, CA 95816, in writing, of any changes or corrections regarding name, mailing address or hunter identification number.

(J) Persons not applying for premium deer, bighorn sheep, elk, or pronghorn antelope

hunts through the department's Big Game Drawings for five (5) consecutive years shall have their preference points for that species reduced to zero (0). For the purposes of this subsection, persons whose applications are disqualified from drawing shall be considered the same as persons not applying. Applying for preference points as described in (H) above, will keep an applicant's file active.

#### (2) Premium Deer Hunts

(A) Except for junior deer hunt applicants, as specified in subsection 708(a)(2)(E), persons must use a one-deer tag application to apply for premium deer hunts through the department's Big Game Drawing.

(B) License tags for premium deer hunts (except junior deer hunts) shall be awarded based on the following:

1. Ninety percent (90%) of the individual zone or hunt tag quota shall be awarded using a Preference Point drawing. Tag quota splits resulting in decimal fractions of a tag shall be rounded to the next higher whole number.

2. Ten percent (10%) of the individual zone or hunt tag quota shall be awarded using a Draw-By-Choice drawing. Tag quota splits resulting in decimal fractions of a tag shall be rounded to the next lower whole number.

3. For zones or hunts with quotas less than ten (10) tags, one (1) tag shall be awarded using a Draw-By-Choice drawing. Remaining tags shall be awarded using a Preference Point drawing.

4. Tags awarded to applicants for second or third choice zones or hunts shall be through a Draw-By-Choice drawing and shall not result in loss of accumulated points.

(C) License tags for junior deer hunts (J Hunts) as described in subsection 360(c) shall be awarded based on the following:

1. Fifty percent (50%) of the hunt tag quota shall be awarded through a Preference Point drawing. Tag quota splits resulting in decimal fractions of a tag shall be rounded to the next higher whole number.

2. Fifty percent (50%) of the hunt tag quota shall be awarded through a Draw-By-Choice drawing. Tag quota splits resulting in decimal fractions of a tag shall be rounded to the next lower whole number.

(D) A junior hunter applying for premium deer hunts (X zones, Area-specific archery hunts, and additional hunts) on a one-deer tag application and a second-deer tag application shall:

1. Receive a point only if he/she is unsuccessful in the big game drawing with his/her first choice on both applications.

2. Lose all preference points for deer if he/she receives his/her first choice on either application.

#### (3) Bighorn Sheep Hunts

(A) Successful bighorn sheep tag applicants shall be determined as follows, based on tag quotas for each hunt.

1. For quotas of one, the tag shall be awarded using a Draw-By-Choice drawing.

2. For quotas of two, one tag shall be awarded using a Preference Point drawing, and one tag shall be awarded using a Draw-By-Choice drawing.

3. For quotas of three, two tags shall be awarded using a Preference Point Drawing.

and one tag shall be awarded using a Draw-By-Choice drawing.

4. For quotas of four or more, seventy-five percent (75%) of the quota shall be awarded using a Preference Point drawing. Any resulting fractional tag shall be rounded to the next higher whole number. The remaining portion of the quota shall be awarded using a Draw-By-Choice drawing.

(B) Alternates shall be selected for each hunt using a Preference Point Drawing.

#### (4) Elk Hunts

(A) Successful elk tag applicants shall be determined as follows, based on tag quotas for each hunt or hunt period.

1. For quotas of one, the tag shall be awarded using a Draw-By-Choice drawing.

2. For quotas of two, one tag shall be awarded using a Preference Point drawing, and one tag shall be awarded using a Draw-By-Choice drawing.

3. For quotas of three, two tags shall be awarded using a Preference Point drawing, and one tag shall be awarded using a Draw-By-Choice drawing.

4. For quotas of four or more, seventy-five percent (75%) of the quota shall be awarded using a Preference Point drawing. Any resulting fractional tag shall be rounded to the next higher whole number. The remaining portion of the quota shall be awarded using a Draw-By-Choice drawing.

5. Party applications shall be split as described in Section 708(d)(3) to fill the last tag available through the Preference Point drawing. Party applications shall not be split to fill the last tag available through the Draw-By-Choice drawing.

(B) Alternates shall be selected for each hunt or hunt period using a Preference Point drawing.

#### (5) Pronghorn Antelope Hunts

(A) Successful pronghorn antelope tag applicants shall be determined as follows, based on tag quotas for each hunt or hunt period.

1. For quotas of one, the tag shall be awarded using a Draw-By-Choice drawing.

2. For quotas of two, one tag shall be awarded using a Preference Point drawing, and one tag shall be awarded using a Draw-By-Choice drawing.

3. For quotas of three, two tags shall be awarded using a Preference Point drawing, and one tag shall be awarded using a Draw-By-Choice drawing.

4. For quotas of four or more, seventy-five percent (75%) of the quota shall be awarded using a Preference Point drawing. Any resulting fractional tag shall be rounded to the next higher whole number. The remaining portion of the quota shall be awarded using a Draw-By-Choice drawing.

5. Party applications shall be split as described in Section 708(c)(2) to fill the last tag available through the Preference Point drawing. Party applications shall not be split to fill the last tag available through the Draw-By-Choice drawing.

(B) Alternates shall be selected for each hunt or hunt period using a Preference Point drawing.

NOTE

Authority cited: Sections 200, 202, 203, ~~213~~, 215, 219, 220, 331, 332, 1050, 1572, 4302, 4331, 4336, 4340, 4341 and 10502, Fish and Game Code.

Reference: Sections 200-203.1, ~~206~~, 207, 210, ~~211-222~~, 215, 219, 220, 331, 332, 713, 1050, 1570-1572, 3950, 3951, 4302, 4330-4333, 4336, 4340, 4341, 4652-4655, 4657, 4750-4756, 4902, 10500 and 10502, Fish and Game Code.